

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

BENJAMIN GUY BEHEL, et al.,)
)
Plaintiffs,)
)
v.) **Case No. 1:21-cv-35-SNLJ**
)
BERNEY P. WESCOTT, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on review of the file. The Eighth Circuit has admonished district courts to “be attentive to a satisfaction of jurisdictional requirements in all cases.” *Sanders v. Clemco Indus.*, 823 F.2d 214, 216 (8th Cir. 1987). “In every federal case the court must be satisfied that it has jurisdiction before it turns to the merits of other legal arguments.” *Carlson v. Arrowhead Concrete Works, Inc.*, 445 F.3d 1046, 1050 (8th Cir. 2006). Plaintiffs Benjamin Behel and David Wallace previously amended the Complaint to specify the parties’ citizenship, as the Court directed. Since then, however, Joye Wallace has intervened and in their Second Amended Complaint, plaintiffs allege only that at all relevant times, Wallace, an Alabama resident and citizen, “has been legally married to Plaintiff Joye D. Wallace.” The Court will not presume that Joye Wallace is also a citizen of Alabama. As the Court previously admonished, plaintiffs who seek “to invoke diversity jurisdiction of the federal courts must plead citizenship distinctly and affirmatively.” 15 James Wm. Moore, et al., *Moore’s Federal Practice* § 102.31 (3d ed. 2010).

Accordingly,

IT IS HEREBY ORDERED that, by May 9, 2022, plaintiffs shall file an amended complaint in accordance with this memorandum.

IT IS FURTHER ORDERED that if plaintiffs do not timely and fully comply with this order, this matter will be dismissed for lack of subject matter jurisdiction.

IT IS FURTHER ORDERED that all other proceedings in this case are **STAYED** pending further order of this Court.

Dated this 25th day of April, 2022.



STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE